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4 *Counsel for Defendant Vicente Ascencio*
5

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9
Plaintiff,

2:11-cr-00396-MMD-PAL-4

10 -vs-

11 VICENTE ASCENCIO (4),
12
Defendant.

13
14 **DEFENDANT VICENTE ASCENCIO'S UNOPPOSED MOTION TO CONDUCT A**
15 **PRE-PLEA, PRE- SENTENCE INVESTIGATION REPORT AND PROPOSED ORDER**
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17 COMES NOW the Defendant, VICENTE ASCENSIO, by and through his attorney,
18 TERRENCE M. JACKSON, ESQ., and moves this Honorable Court to request a Pre-Plea
19 Pre-Sentence Investigation Report be prepared by the Probation Department to determine
20 the Defendant's criminal history.

21 1. The Defendant is charged with conspiracy to possess methamphetamine with
22 intent to distribute and possession of methamphetamine with intent to distribute; 21 U.S.C.
23 §846, 841(a)(1) and (b)(1)(A)(viii) and 21 U.S.C. §841(a)(1) and (b)(1)(B)(viii).

24 2. The Defendant is unsure of his prior convictions and believes that his
25 criminal history could be anywhere from a level 5 to a level 6. He is uncertain whether
26 he is facing career criminal status.

27 3. The disparity in a potential sentence between these criminal history levels is
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1 substantial, and what possible sentence the Defendant may face will strongly influence
2 whether or not he accepts a plea negotiation in this case.

3 **4.** Undersigned counsel therefore respectfully requests an Order that the
4 Department of Probation conduct a pre-plea pre-sentence investigation report to determine
5 the Defendant's criminal history category as soon as possible, including whether Probation
6 believes he is a career criminal.

7 **5.** Undersigned counsel has spoken to the prosecutor, Assistant United States
8 Attorney Cristina D. Silva on September 26, 2012, and she has no opposition to this
9 request if it does not delay the trial date or the date for acceptance of the plea offer, but
10 will not oppose a reasonable continuance of the trial if necessary in the interests of justice.

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12 RESPECTFULLY SUBMITTED, this 27th day of September, 2012.

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14 /s/ Terrence M. Jackson
15 TERRENCE M. JACKSON, ESQ.
16 Counsel for Defendant, Vicente Ascencio
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ELECTRONIC CERTIFICATE OF SERVICE

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The undersigned hereby certifies that she is an assistant in the office of Terrence M. Jackson, Esquire, and is a person of such age and discretion as to be competent to serve papers and that on this date, September 27th, 2012, she served an electronic copy of the attached DEFENDANT VICENTE ASCENCIO'S UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRE-SENTENCE INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the attorney(s) of record:

DANIEL G. BOGDEN
United States Attorney
CRISTINA D. SILVA
Assistant United States Attorney
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd. South, Ste. 5000
Las Vegas, Nevada 89101
Tel: (702) 388-6336
Fax: (702) 388-6418

Dated: September 27th, 2012

/s/ Ila C. Wills
Legal Assistant for
Terrence M. Jackson, Esq.

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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13
14 Plaintiff,

2:11-cr-00396-MMD-PAL-4

15 -vs-

ORDER

16 VICENTE ASCENCIO (4),
17
18 Defendant.

19
20 **IT IS HEREBY ORDERED** that the Probation Department will prepare a
21 Pre-Sentence Investigation Report of the Defendant Vicente Ascencio, and make it available
22 to counsel on or before October 15th, 2012.

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24 **DATED** this 26 day of October, 2012.

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UNITED STATES DISTRICT JUDGE